

Remarks/Arguments

The specification is amended at paragraph [0012] to better conform to the official translation and to clarify the description of gap 18 as shown in Fig. 1 and its relationship to the plate 34 (Figs. 1 and 2):

“The picking gap 18 is ~~defined by~~ provided in an approximately horizontal stripper plate 34 that is arranged beneath the fingers 16 and above the picking rolls 22 and 24.”

A copy of the official translation of the priority document is attached as an appendix for reference.

Claims 1 - 6 stand rejected under 35 USC 112 as failing to comply with the enablement requirement. However, the specification and drawings are believed to clearly describe the invention and to enable one to make and use the invention.

The specification describes the picking gap curve. Beginning with the abstract, “The picking gap is curved such that it maintains an at least approximately constant distance from the vertical rotational axis of the gathering element over its operative length.” and progressing to the Summary, “It is a feature of the present invention that the picking gap is curved in an arc-like fashion around the rotational axis of the gathering element.”, a curved gap is specifically set forth in clear terms and is evident from the dotted lines defining the gap 18 in Fig. 1. The plate 34 simply has a curved gap 18 with an inlet 36 and an end region 38. As set forth in paragraph [0012], “The picking gap 18 is defined by (*provided in*) an approximately horizontal stripper plate 34 that is arranged beneath the fingers 16 and above the picking rolls 22 and 24.” A more detailed description of the gap is evident at paragraph [0014]:

“According to Figure 1, the picking gap 18 extends around the rotational axis of the gathering element 12 in an approximately circular fashion. Downstream of the inlet region 36 of the picking gap 18, the distance between the picking gap 18 and the rotational axis of the gathering element 12 is approximately

constant over an angular range of 90 degrees. This angular range corresponds to the effective length of the picking gap 18, i.e., the length traveled by plants of normal height until they are drawn in downward by the picking rolls 22 and 24. In its rear end region 38, the picking gap 18 extends further outboard, i.e., it diverges from the rotational axis of the gathering element 12....”

It is stated in the Detailed Action that Figure 1 merely shows dotted lines as defining the picking gap. Although solid and broken lines are not shown in the Figure to indicate open and hidden components, etc., there can be no doubt in the mind of observer that the gap is clearly shown and highlighted by the dotted lines. The picking gap 18 is a curved gap in the plate 34. The portions of the plate 34 on both sides of the gap 18 are shown in Fig. 1, and the location of the plate 34 is shown in Fig. 2.

A new drawing figure is attached to replace the original Figure 1 to add broken lines, etc., to more clearly designate open and hidden components. No new matter has been added since the corrections are supported by specification, claims and original Figures 1 and 2 as filed. Please note the location of the plate 34 in Figure 2 and the descriptions set forth herein above.

Applicants’ attorney fails to appreciate any argument that the specification does not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Quite to the contrary, one skilled in the art simply can look at the specification and drawings as filed and determine immediately the invention and how to make and use the invention. This is particularly true in view of the prior art, including the art mentioned in the specification. One only has to look at applicants’ curved and highlighted gap 18 in the plate 34 in original Fig. 1. There is believed to be no doubt about what the inventors are claiming with regard to curved picking gap.

Concerning the last paragraph of page 2 of the Detailed Action, please note that there is a significant structural difference between what is shown and described in applicants' drawings and specification and what is disclosed in the prior art. The curved gap as set forth and claimed is believed not to be shown or suggested by the references.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



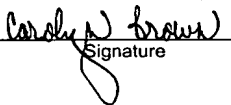
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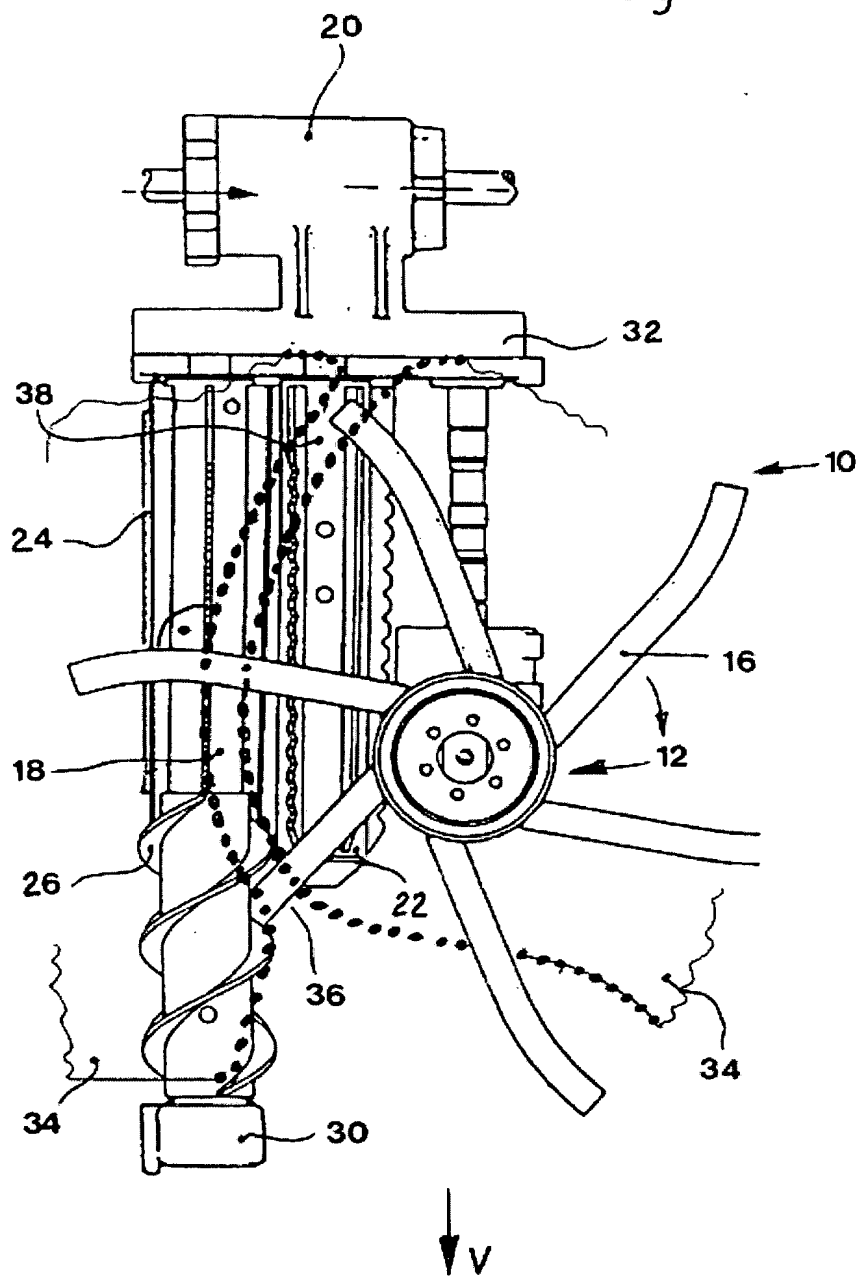
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APPENDIX

Fig. 1



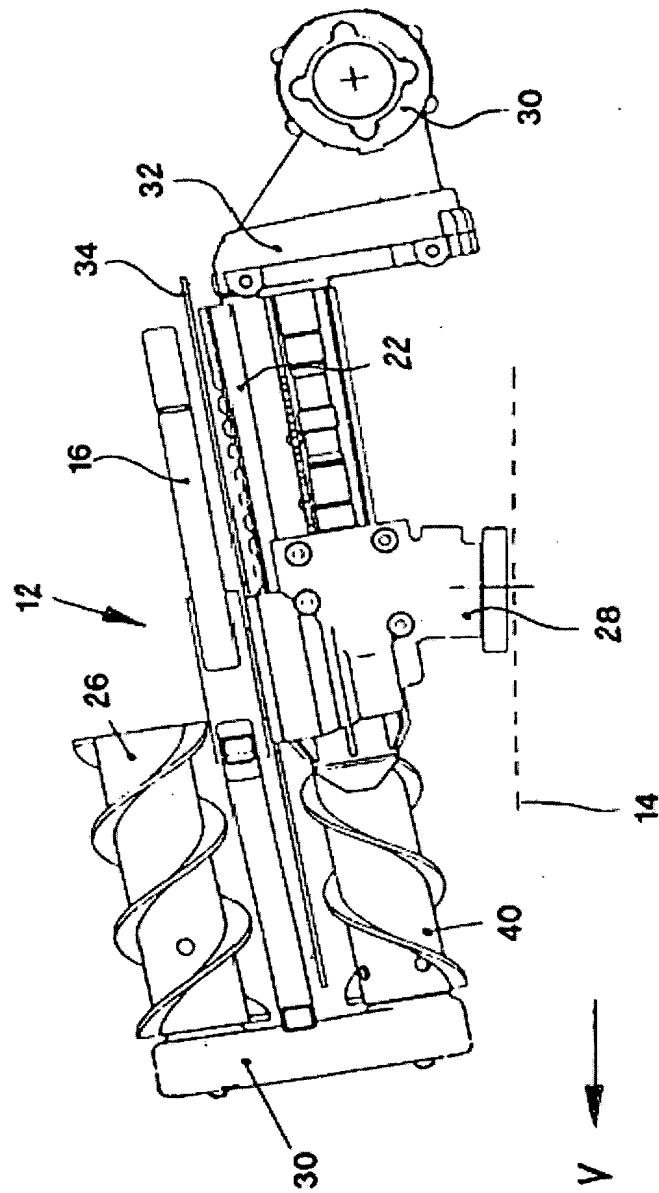


Fig. 2